

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF GEORGIA 3 NEWNAN DIVISION 4 5 VIVIANNE JADE WASHINGTON, 6 7 Plaintiff, CIVIL ACTION FILE NO. 8 vs. 3:18-cv-00086-TCB 9 10 INVESTIGATOR JASON DURAND, 11 et al., 12 Defendant. 13 14 DEPOSITION OF 15 JASON DURAND 16 17 MAY 21, 2019 18 12:16 p.m. 19 Meriwether County 911 Center 20 619 County Farm Road 21 Greenville, Georgia 30222 22 23 Jenna Rose Johnson, CVR, CCR 24 Certificate No.: 5818-4261-2151-9104 25</p>	<p>Page 3</p> <p>1 I N D E X 2 WITNESS: PAGE 3 MR. JASON DURAND.....4 4 5 E X A M I N A T I O N PAGE 6 EXAMINATION by MS. JENNIFER HICKEY.....4 7 8 I N D E X T O E X H I B I T S 9 PLAINTIFF'S EXHIBITS DESCRIPTION PAGE 10 EXHIBIT NO. 3 POLIC NARRATIVE 15 11 (ALL EXHIBITS ATTACHED TO DEPOSITION 12 TRANSCRIPT.) 13 14 15 16 17 18 19 (In the following transcript, dashes [--] 20 are used to indicate an intentional interruption 21 of a sentence and ellipsis [...] is used to 22 indicate an unfinished sentence in dialogue or 23 written material.) 24 25</p>
<p>Page 2</p> <p>1 A P P E A R A N C E S 2 3 FOR THE PLAINTIFF: 4 Jeffrey R. Flilpovits 5 Filipovits Law 6 2900 Chamblee Tucker Road, Building 1 7 Atlanta, Georgia 30341 8 Phone: (678)237-9302 9 E-mail: jrflilpovits@gmail.com 10 Jennifer Hickey 11 Law Office of Jennifer Hickey 12 1310 Rockbridge Road SW, Suite G2 13 Stone Mountain, Georgia 30087 14 Phone: (770)674-8252 15 E-mail: Jennifer@jenniferhickeylaw.com 16 17 FOR THE DEFENDANT: 18 Taylor Hensel 19 Buckley Christopher 20 2970 Clairmont Road NE, Suite 650 21 Atlanta, Georgia 30329 22 Phone: (404)633-9230 23 Fax: (404)633-9640 24 E-mail: thensel@bchlwapc.com 25 26 ALSO PRESENT: 27 HUGH HOWARD</p>	<p>Page 4</p> <p>1 (The Reporter's Disclosure was presented and 2 is attached.) 3 The following proceedings began at 12:16 p.m.: 4 P R O C E E D I N G S 5 MS. HICKEY: Can you swear in the witness? 6 JASON DURAND, 7 having been previously sworn, testified as follows: 8 MS. HICKEY: This is the deposition of Jason 9 Durand taken in the case of Washington v. Durand, 10 Number 3:18-cv-00086-TCB. The deposition is 11 taken pursuant to notice and agreement. I'm 12 proposing we reserve all objections, except as to 13 the form of the question. Will you be reading 14 and signing? 15 MR. HENSEL: Same stipulations, and we will 16 be reading and signing. 17 E X A M I N A T I O N 18 BY MS. JENNIFER HICKEY: 19 Q Before we get started, just a few things to 20 go over: If you could, make sure all of your answers 21 are verbal. So if it is a yes-or-no question, say yes 22 or no, instead of nodding or shaking your head. Other 23 than that, if you need a break, please, feel free to 24 let me know. Just answer whatever question is on the 25 table, and then we are happy to take a break for you.</p>

<p style="text-align: right;">Page 5</p> <p>1 A Okay.</p> <p>2 Q Have you given a deposition before?</p> <p>3 A No, ma'am.</p> <p>4 Q We're just going to start with some</p> <p>5 background information. I understand that you have a</p> <p>6 degree from Mercer University; is that correct?</p> <p>7 A That's correct.</p> <p>8 Q When did you receive that?</p> <p>9 A '97.</p> <p>10 Q Once you graduated, did you start working in</p> <p>11 law enforcement right away?</p> <p>12 A I did.</p> <p>13 Q Where did you work?</p> <p>14 A Troup County Sheriff's Office.</p> <p>15 Q How long were you with Troup County?</p> <p>16 A A little over two years.</p> <p>17 Q What was your rank there?</p> <p>18 A Patrol deputy, canine patrol.</p> <p>19 Q Why did you leave Troup County?</p> <p>20 A Change of careers.</p> <p>21 Q So you resigned voluntarily?</p> <p>22 A Yes.</p> <p>23 Q Where did you go after that?</p> <p>24 A Newman Construction Company.</p> <p>25 Q So you left law enforcement altogether at</p>	<p style="text-align: right;">Page 7</p> <p>1 Q How long did you do that before you were</p> <p>2 promoted?</p> <p>3 A A year. I think I was promoted to Corporal.</p> <p>4 After year and a half, I went into investigations</p> <p>5 maybe.</p> <p>6 Q Another year and a half after you were</p> <p>7 promoted. Do you know when you started with</p> <p>8 investigations?</p> <p>9 A I couldn't tell you.</p> <p>10 Q Can you tell me about some of your job</p> <p>11 duties with the investigations department?</p> <p>12 A I investigated all crimes. I was in charge</p> <p>13 of the sex offender registry. That is really about</p> <p>14 it.</p> <p>15 Q And you don't have a sense of how long you</p> <p>16 were with the investigative unit total?</p> <p>17 A A year and a half.</p> <p>18 Q And during that time, Lieutenant Howard was</p> <p>19 your immediate supervisor?</p> <p>20 A Yes.</p> <p>21 Q Did you have any other supervisors that you</p> <p>22 reported to?</p> <p>23 A When I first started -- I can't remember his</p> <p>24 rank -- it was Scott -- I can't remember his last</p> <p>25 name. Maybe he was a captain. His last name is on</p>
<p style="text-align: right;">Page 6</p> <p>1 that point?</p> <p>2 A Yes.</p> <p>3 Q And why did you do that?</p> <p>4 A Just a career change. Just politics at the</p> <p>5 sheriff's office.</p> <p>6 Q So from there you went into construction?</p> <p>7 A Yes.</p> <p>8 Q How long did you do that?</p> <p>9 A Eight years with two different companies.</p> <p>10 Q Where did you go after that?</p> <p>11 A Back into law enforcement.</p> <p>12 Q Why did you decide to go back to law</p> <p>13 enforcement?</p> <p>14 A I don't know. I just did. I don't know.</p> <p>15 Q Where did you go?</p> <p>16 A Meriwether.</p> <p>17 Q When was that that you started in</p> <p>18 Meriwether?</p> <p>19 A 2012.</p> <p>20 Q What was your rank when you started there?</p> <p>21 A Patrol.</p> <p>22 Q What were your job duties and</p> <p>23 responsibilities generally?</p> <p>24 A Patrolling the county roads and Georgia</p> <p>25 state roads of Meriwether County and answering calls.</p>	<p style="text-align: right;">Page 8</p> <p>1 the tip of my tongue.</p> <p>2 Q And you said that was when you first</p> <p>3 started?</p> <p>4 A Yes. And he left the sheriff's office</p> <p>5 voluntarily thereafter.</p> <p>6 Q What types of crimes did you investigate in</p> <p>7 your time there?</p> <p>8 A Everything from misdemeanor theft to</p> <p>9 homicide to child molestations.</p> <p>10 Q We're obviously here to discuss the arrest</p> <p>11 of Vivianne Washington in connection to what was</p> <p>12 ultimately the murder of Dorothy Dow. Was that your</p> <p>13 first murder investigation?</p> <p>14 A No.</p> <p>15 Q How many murders had you investigated prior</p> <p>16 to that?</p> <p>17 A Two -- three.</p> <p>18 Q Could you tell me a little bit about your</p> <p>19 role in those investigations?</p> <p>20 A One of them I was just a -- I just helped.</p> <p>21 I wasn't a lead investigator on it. Two of them I</p> <p>22 helped. And then two prior to that, I was a lead</p> <p>23 investigator.</p> <p>24 Q How do you become the lead investigator?</p> <p>25 A You are the one called out. You are the</p>

<p style="text-align: right;">Page 9</p> <p>1 first one there.</p> <p>2 Q Who makes the decision?</p> <p>3 A We were on an on-call schedule, and I was</p> <p>4 on-call that day that it happened.</p> <p>5 Q So if you are the investigator that was on</p> <p>6 call you would become the lead investigator at that</p> <p>7 point?</p> <p>8 A Yes, ma'am.</p> <p>9 Q Are you supervising other people during the</p> <p>10 investigation if you are the lead?</p> <p>11 A Maybe at first, but not through the whole</p> <p>12 thing.</p> <p>13 Q Were you a supervisor to anyone throughout</p> <p>14 your time at Meriwether County? Did you have anyone</p> <p>15 who reported to you?</p> <p>16 A I was a Corporal on patrol, so I had people</p> <p>17 underneath me. But unless I was the officer in</p> <p>18 charge, no.</p> <p>19 Q And once you were in the investigative unit,</p> <p>20 you didn't have any direct subordinates?</p> <p>21 A No.</p> <p>22 Q When did you leave Meriwether County</p> <p>23 Sheriff's office?</p> <p>24 A Three years ago.</p> <p>25 Q Why?</p>	<p style="text-align: right;">Page 11</p> <p>1 Q What did you do after you received the call?</p> <p>2 A I responded to the scene. In route I called</p> <p>3 Lieutenant Howard. I got on scene and secured</p> <p>4 everything there. That is pretty much it.</p> <p>5 Q What does it mean when you say you secured</p> <p>6 the scene?</p> <p>7 A I just kind of told everybody to stay out of</p> <p>8 the house to preserve. Ms. Dow had already been</p> <p>9 transported to the hospital.</p> <p>10 Q Was she there when you arrived?</p> <p>11 A No. She had already been transported. I</p> <p>12 worked with Lieutenant Howard about calling the GBI</p> <p>13 Crime Scene to come out to process. Once we got</p> <p>14 everything settled on scene, I went to the hospital</p> <p>15 for an interview of Ms. Dow.</p> <p>16 Q Do you remember about how long you had been</p> <p>17 at the scene or when that was?</p> <p>18 A No.</p> <p>19 Q Before you went to the hospital to speak</p> <p>20 with Ms. Dow, did you speak with anyone else at the</p> <p>21 scene?</p> <p>22 A No.</p> <p>23 Q While you were at the hospital, you went</p> <p>24 into meet Ms. Dow. Did you meet anyone else?</p> <p>25 A I wasn't there to meet people. Her family</p>
<p style="text-align: right;">Page 10</p> <p>1 A It was just time for a career change.</p> <p>2 Q What did you do after that?</p> <p>3 A I am back in construction.</p> <p>4 Q And that is what you are doing now?</p> <p>5 A Yes.</p> <p>6 Q Do you recall if you conducted any</p> <p>7 investigations after the Dow investigation after you</p> <p>8 left Meriwether County?</p> <p>9 A I don't.</p> <p>10 Q Were you disciplined for your role in the</p> <p>11 Vivianne Washington investigation in anyway? The Dow</p> <p>12 investigation.</p> <p>13 A No.</p> <p>14 Q I think we will just go ahead and start</p> <p>15 walking through the events of the investigation. Tell</p> <p>16 me about how you first became involved.</p> <p>17 A I was called by the deputies that arrived on</p> <p>18 scene.</p> <p>19 Q And this was August 4, 2016, when the crime</p> <p>20 was committed?</p> <p>21 A Yes, ma'am.</p> <p>22 Q So the deputies called you. And you were</p> <p>23 the investigator that was on call, and that is why you</p> <p>24 got the call?</p> <p>25 A That's correct.</p>	<p style="text-align: right;">Page 12</p> <p>1 was there.</p> <p>2 Q Did you speak to them?</p> <p>3 A Nothing, besides sorry for what happened.</p> <p>4 And I needed to speak with her.</p> <p>5 Q When you went in to speak with Ms. Dow, can</p> <p>6 you describe her physical and mental state at that</p> <p>7 point?</p> <p>8 A She was very alert. She was coherent. She</p> <p>9 was in a lot of pain. My interview with her did not</p> <p>10 last long. It was very basic questions.</p> <p>11 Q Do you recall what you asked her?</p> <p>12 A No, ma'am.</p> <p>13 Q Do you recall anything she told you about</p> <p>14 the suspects at that point?</p> <p>15 A No, ma'am.</p> <p>16 Q So you go in to speak with Ms. Dow briefly</p> <p>17 because of her condition. And you don't remember</p> <p>18 anything that she said to you at all?</p> <p>19 A No. It was three years ago.</p> <p>20 Q We understand that she may have told you a</p> <p>21 little bit about what she heard or what she saw in the</p> <p>22 house. Do you remember if she said she saw anybody</p> <p>23 firsthand?</p> <p>24 A I don't believe she said she recognized</p> <p>25 anybody. I would have to say no to that.</p>

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1 Q So you felt that you came out of the
2 interview with no information to go on?
3 A As far as a positive identification, no.
4 Q Did you have anything that you wanted to
5 investigate further that you remember from speaking
6 with her?
7 A She said that there were male and female
8 voices. All of the lights were off. She couldn't see
9 them.
10 Q So she didn't identify them whether they
11 were black or white?
12 A No.
13 Q What did you do after you left the hospital?
14 A I came back to -- I'm not sure if I went
15 back to the scene or went to the sheriff's office.
16 Q Why would you have gone to the sheriff's
17 office at that point?
18 A I don't know.
19 Q Do you mean you thought maybe you were done?
20 A No. The scene was secured. We had patrol
21 deputies at the scene. I think we were waiting on the
22 GBI Crime Scene to come in. I think I went back to
23 the sheriff's office and met with Lieutenant Howard.
24 Q What did you talk about with Lieutenant
25 Howard when you got there?

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1 A I have no idea.
2 Q Assuming you went back and talked with
3 Lieutenant Howard about the investigation, what do you
4 remember about additional steps you took after the
5 scene was processed to investigate?
6 A I am not following your question.
7 Q You go back to the office and have a
8 conversation with Lieutenant Howard. What do you do
9 next?
10 A That was pretty late into -- it was well
11 after midnight. I think the crime scene was coming
12 first thing in the morning right at daylight. I think
13 we just went back to the scene and waited on them.
14 Q So you did go back to the scene. Did you
15 talk with anyone else then at the scene, besides law
16 enforcement?
17 A No, ma'am.
18 Q So you are at the scene, and it is secured.
19 It is pretty late at night/early in the morning the
20 day following the crime. Do you remember where you
21 went next?
22 A After the scene was processed?
23 Q Right.
24 A I probably went home and went to bed.
25 Q The scene is processed. You have to sleep

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1 sometime. Totally understandable. What happened
2 after that? When is the next time you were on shift?
3 A I believe we came back later that day. When
4 I went home, I didn't say that long. It was just a
5 couple of hours, and I came back. To be honest with
6 you, I don't know.
7 Q I'll ask you some more specific questions
8 then. We will start drilling down a little more. Did
9 you speak with Office McPhie from the Newnan Police
10 Department at some point during this investigation?
11 A I can't recall.
12 Q Did you learn, from the Newnan Police
13 Department, information from an confidential informant
14 about this case?
15 A Me and Lieutenant Howard were talking about
16 the case. I cannot recall if it was directly shared
17 to me or if Lieutenant Howard advised me of the
18 information.
19 Q What do you remember you learning?
20 A I don't know. I can't tell you. I mean I
21 don't remember. It has been three years ago.
22 (Plaintiff's Exhibit No. 3 marked for
23 identification.)
24 Q (MS. HICKEY) Absolutely. Let me show you
25 something that might help. I'll go ahead and

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1 introduce this into evidence. This will be Number 3.
2 What I'm going to be showing you is a written
3 narrative received from McPhie with the Newnan Police
4 Department. In particular, he mentions that on August
5 5, 2016, he was put in contact with you. It is the
6 first two paragraphs if you want to look really quick.
7 A Okay.
8 Q Based on that, McPhie mentions in there that
9 he was put in contact with you. Did he e-mail you,
10 call you? How did you communicate with McPhie about
11 this confidential informant?
12 A I would assume by phone or text message.
13 Q Specifically, what information did McPhie
14 pass to you?
15 A Information about a Sanquavious Cameron.
16 Q What did he tell you about Mr. Cameron?
17 A This was actually involving -- it all kind
18 of took place at the same time -- but this was an
19 incident prior to the home invasion.
20 Q What was that incident?
21 A Ms. Dow's pocketbook was stolen.
22 Q What did he tell you about that crime?
23 A He didn't tell me any thing. I needed to
24 see if he knew the subject. I had pictures of a
25 gentleman using her debit card at an ATM.

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1 Q So you reached out to Mr. McPhie?

2 A Yes.

3 Q Where did the confidential informant come

4 into play on that?

5 A I don't recall.

6 Q What did he tell you about Vivianne

7 Washington?

8 A I don't recall.

9 Q Did McPhie send you any information from a

10 confidential informant regarding Vivianne Washington?

11 A I don't recall. I'm sorry. I wish I could.

12 Q Do you recall getting a picture of Vivianne

13 Washington from McPhie?

14 A No.

15 Q Were you aware that there was a picture of

16 Vivianne Washington forwarded from McPhie?

17 A Yes.

18 Q What was your understanding of where that

19 came from?

20 A Where it came from?

21 Q You were aware there was a photo of Vivianne

22 Washington used in the investigation that was shown to

23 Mr. Heard. Where did the photo come from?

24 A I assume it came from McPhie. It wasn't

25 sent to me.

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1 Q Was the photo ever in your possession?

2 A No.

3 Q So from your recollection, the only thing

4 you corresponded with McPhie about was Cameron and his

5 role in the robbery of the pocketbook?

6 A From what I can recall, yes, ma'am.

7 Q What did you do with the information he gave

8 you about Cameron?

9 A I can't recall.

10 Q Moving forward from that, at this point

11 we're in the weekend. The crime happened on a

12 Thursday night. It was early Friday morning that you

13 were securing the scene. You spoke with McPhie about

14 Cameron on Friday. Do you recall any of the steps you

15 took over the weekend in the investigation?

16 A No, ma'am.

17 Q Tell me about your involvement. We're on

18 Monday, August 8th, at this point when you bring in

19 Mr. Heard. Tell me about your involvement in

20 interviewing Heard and getting him to the station.

21 A I didn't have any involvement. I didn't

22 interview Heard.

23 Q Were you present for the interview of Heard?

24 A No. I was not in the room.

25 Q Did you know it was happening?

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1 A Yes.

2 Q What were you doing at the time?

3 A I was probably looking at the videotape to

4 see what he said. It was a videotaped interview.

5 Q So you were watching interview while it took

6 place?

7 A Yes.

8 Q Prior to him coming to the station, were you

9 involved in bringing him in in anyway?

10 A No.

11 Q I believe there was a search warrant

12 executed at his house.

13 A That was afterwards. It was a -- I don't

14 believe it was a search warrant. I think it was a

15 fourth amendment clause because he was on probation.

16 Q Did you carry out that search? Were you

17 involved?

18 A Yes.

19 Q Do you recall speaking with him while you

20 were there?

21 A I did not.

22 Q Did you communicate with Mr. Howard at all

23 while he was conducting the interview --

24 A No.

25 Q When do you first remember hearing the name

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1 Vivianne Washington?

2 A I don't.

3 Q We know you obtained a warrant for her

4 arrest.

5 A That is correct.

6 Q Why did you do that?

7 A Based on the information from Mr. Heard.

8 Q Did someone tell you to go obtain the

9 warrant?

10 A No.

11 Q So you watched the Heard video and heard him

12 say something that you thought --

13 A I can't recall. I hate to sit here and tell

14 you something that I don't know for sure. He said --

15 this is going to -- he said there was a female there.

16 She had a baseball cap on. From what I recall, he

17 said she had a baseball cap and she was -- I'm just

18 using what I think he said -- he said butch-like.

19 Q We have the video, so it's okay.

20 A And then I don't know if it was me or

21 Lieutenant Howard reached out to McPhie or if he

22 reached out to us and said the CI -- I don't know how

23 that came about. The information was shared. I am

24 almost positive it wasn't texted to me. The picture

25 was shown. He said it was her. Based on that

<p style="text-align: right;">Page 21</p> <p>1 information, Heard identified her. That is when I</p> <p>2 went to Judge Brown.</p> <p>3 Q Prior to going to Judge Brown, did you</p> <p>4 discuss the decisions to see the warrant with anyone?</p> <p>5 A Me and Lieutenant Howard were always in</p> <p>6 discussion through the investigation.</p> <p>7 Q At what point did you decide to seek the</p> <p>8 warrant? Was the Heard interview still in process at</p> <p>9 that point?</p> <p>10 A I doubt it was in process. It was probably</p> <p>11 shortly thereafter.</p> <p>12 Q Did you take any additional steps to</p> <p>13 investigate the claims that were made by Mr. Heard</p> <p>14 regarding Ms. Washington before you applied for the</p> <p>15 warrant?</p> <p>16 MR. HENSEL: Object to the form of the</p> <p>17 question. You can still answer.</p> <p>18 THE WITNESS: I can't remember. There were</p> <p>19 a lot of steps that I can't remember.</p> <p>20 Q (MS. HICKEY) From your recollection, you</p> <p>21 saw the interview of him identifying her, and then you</p> <p>22 spoke with Lieutenant Howard. And shortly thereafter</p> <p>23 you applied for the warrant?</p> <p>24 A Yes.</p> <p>25 Q But you don't recall if you did anything</p>	<p style="text-align: right;">Page 23</p> <p>1 Q You went to the courthouse. What did you</p> <p>2 present to Judge Brown?</p> <p>3 A The evidence that I had.</p> <p>4 Q What was that? What did you say?</p> <p>5 A I don't remember exactly what I said.</p> <p>6 Q Did you give her any paper of any kind?</p> <p>7 A No.</p> <p>8 Q Had you given evidence, paper, or other</p> <p>9 types of exhibits in the past?</p> <p>10 A No.</p> <p>11 Q So it is all oral testimony?</p> <p>12 A Yes.</p> <p>13 Q Do you know if this testimony is recorded?</p> <p>14 A No.</p> <p>15 Q No, it is not?</p> <p>16 A No, I don't know.</p> <p>17 Q So you met with Judge Brown and presented</p> <p>18 the evidence that you had, which from what you told</p> <p>19 me, it is what you watched Heard say on the video?</p> <p>20 MR. HENSEL: Object to the form of the</p> <p>21 question. You can answer.</p> <p>22 THE WITNESS: What was the question?</p> <p>23 Q (MS. HICKEY) You don't recall presenting</p> <p>24 any other additional evidence?</p> <p>25 MR. HENSEL: Same objection.</p>
<p style="text-align: right;">Page 22</p> <p>1 else before applying for the warrant?</p> <p>2 A I can't remember.</p> <p>3 Q Did you attempt to ascertain</p> <p>4 Ms. Washington's whereabouts that night at any point?</p> <p>5 A I'm sure I did. I just don't remember.</p> <p>6 Q Tell me about the process for obtaining a</p> <p>7 warrant. I'm sure this is something that you have</p> <p>8 done a good bit during your time there?</p> <p>9 A Yes, ma'am.</p> <p>10 Q When you are seeking an arrest warrant, tell</p> <p>11 me a little bit about what you do to get one.</p> <p>12 A I take all of the information that I have --</p> <p>13 -- the bio data on the individual I want to see the</p> <p>14 warrant with. I call -- if it is during work hours, I</p> <p>15 just go to the courthouse. If it is not during work</p> <p>16 hours, I will call. I will sit down with Judge Brown</p> <p>17 in her office. I explain in detail the information</p> <p>18 that I have. She decides whether or not there is</p> <p>19 enough probable cause to issue that warrant.</p> <p>20 Q Do you prepare any formal paper or anything</p> <p>21 like an application or anything?</p> <p>22 A No, ma'am.</p> <p>23 Q So in this case you sought out Judge Brown.</p> <p>24 Where did you meet?</p> <p>25 A The courthouse.</p>	<p style="text-align: right;">Page 24</p> <p>1 THE WITNESS: No.</p> <p>2 Q (MS. HICKEY) Did you mention anything about</p> <p>3 the confidential informant to the judge?</p> <p>4 A I'm sure I did.</p> <p>5 Q What did you say?</p> <p>6 A I don't know.</p> <p>7 Q I would help you up with this if I could,</p> <p>8 but I don't know what you said.</p> <p>9 A I don't know either.</p> <p>10 Q Let's turn our attention somewhere else. In</p> <p>11 response to one of the interrogatories that we sent to</p> <p>12 you, you mentioned that you turned over the</p> <p>13 investigation to Lieutenant Howard at the scene. Can</p> <p>14 you explain what that means?</p> <p>15 MR. HENSEL: Can we see that? That should</p> <p>16 be the Washington investigation, not the Dow</p> <p>17 investigation.</p> <p>18 MS. HICKEY: It is possible it was referring</p> <p>19 to that, but I wasn't sure. It is interrogatory</p> <p>20 number 13.</p> <p>21 MR. HENSEL: That is different than what</p> <p>22 your question was. He turned --</p> <p>23 MS. HICKEY: I think my initial confusion</p> <p>24 was it says he turned the investigation over to</p> <p>25 Lieutenant Howard as Durand was processing the</p>

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1 crime scene at Ms. Dow's home. That would have
2 been prior to any mention of Vivianne Washington.
3 THE WITNESS: I did not turn the scene
4 over -- the investigation over to Lieutenant
5 Howard.
6 Q (MS. HICKEY) Why did you say that you did?
7 A I guess I misunderstood the question. I
8 think it was the investigation into Ms. Vivianne
9 Washington.
10 MR. HENSEL: That is what it says. The
11 question that she had --
12 MR. FILIPOVITS: Hold on.
13 Q (MS. HICKEY) While we are sorting out the
14 timing of it, did you turn over the investigation of
15 Vivianne Washington to Lieutenant Howard?
16 A Yes.
17 Q What does that mean?
18 A He handled all of the interviews.
19 Q Was that something that you did a lot?
20 A Uh-huh.
21 MR. HENSEL: Is that a yes?
22 THE WITNESS: Yes.
23 Q (MS. HICKEY) What was your criteria in
24 determining whether to turn something over to him?
25 A I don't think there was a criteria.

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1 Q Why did you turn over the Washington
2 investigation?
3 A Lieutenant Howard did all of the interviews
4 for that investigation. He is a better interviewer
5 than I am.
6 Q Did you interview anyone in connection with
7 this crime, other than Ms. Dow, at the hospital?
8 A I can't recall.
9 Q But, generally, it was not your practice to
10 do the interviews?
11 A Depending on the case.
12 Q Why would Lieutenant Howard be conducting
13 the interviews in this case?
14 A He was a better interviewer than me.
15 Q Fair enough. You met with the judge and
16 presented evidence orally. What did the judge say in
17 response to your evidence?
18 A I guess she determined that there was enough
19 probable cause. She signed the warrant.
20 Q What did you do after you obtained the
21 warrant?
22 A We got it to Newnan PD.
23 Q How did you get it to them?
24 A I'm sure we probably faxed or scanned a copy
25 of it.

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1 Q At that point what was your involvement in
2 Ms. Washington's arrest?
3 A None.
4 Q Did you communicate with Newnan PD as they
5 were executing the warrant?
6 A Not that I can recall.
7 Q So you obtained the warrant and send it over
8 to Newnan. What did you do after that in regards to
9 the investigation?
10 MR. HENSEL: Object to the form of the
11 question. Maybe you could clarify what
12 investigation.
13 Q (MS. HICKEY) What did you do into the
14 investigation of the Dow crime? What were your
15 additional steps?
16 A At the time I was doing a lot of warrants --
17 search warrants. I don't know from day-to-day. I
18 can't recall what my next step was.
19 Q Did you talk to any of the officers that
20 were executing the warrant and arresting Vivianne
21 Washington during the arrest or after?
22 A I can't recall.
23 Q Were you present when she was brought into
24 the jail?
25 A I don't know. I can't recall.

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1 Q So I believe that would have been on August
2 8th, which was a Monday. Did you see or speak with
3 Mr. Heard at any point?
4 A During the whole investigation?
5 Q During the whole investigation.
6 A Yes.
7 Q When did you speak with Mr. Heard?
8 A The day he came to the sheriff's office.
9 Q That was the day that he was interviewed in
10 which he implicated Vivianne Washington?
11 A Yes.
12 Q Tell me about that conversation.
13 A It wasn't a conversation.
14 Q You said you spoke with him.
15 A I think I asked him if he needed something
16 to drink. I didn't interview him. My contact with
17 him was limited.
18 Q Had you spoken with Justin Grady at any
19 point during your investigation into the murder?
20 A Not that I can recall.
21 Q Did you see Mr. Heard or Grady at the jail?
22 A Yes.
23 Q When was that?
24 A We picked Grady up from Spalding County and
25 brought him to Meriwether.

<p style="text-align: right;">Page 29</p> <p>1 MR. HENSEL: Is it Spalding or Paulding?</p> <p>2 THE WITNESS: Spalding. It was in Griffin.</p> <p>3 Q (MS. HICKEY) Tell me about picking up</p> <p>4 Mr. Grady.</p> <p>5 A We just went to pick him up and brought him</p> <p>6 for an interview.</p> <p>7 Q Did you get him from his home?</p> <p>8 A No, from the jail.</p> <p>9 Q Do you know when that was?</p> <p>10 A (Nonverbal answer.)</p> <p>11 Q So you transported him to the jail. Did you</p> <p>12 remain with him after you brought him in?</p> <p>13 A No.</p> <p>14 Q Where did you go?</p> <p>15 A I went back to my office.</p> <p>16 Q At the sheriff's office?</p> <p>17 A That's correct.</p> <p>18 Q So ordinarily what would bring you to the</p> <p>19 jail as part of your job? Why would you be there?</p> <p>20 A Inside the jail? Just turning in warrants.</p> <p>21 Q Did you spend much time at the jail?</p> <p>22 A The jail is part of our office. But I</p> <p>23 didn't spend much time in the back.</p> <p>24 Q But it is part of the same building as the</p> <p>25 office?</p>	<p style="text-align: right;">Page 31</p> <p>1 point after she was released?</p> <p>2 A No.</p> <p>3 Q Did you have a discussion about Vivianne</p> <p>4 Washington with any other officers after her release?</p> <p>5 A No.</p> <p>6 Q We do know of one. I want to direct your</p> <p>7 attention back to Exhibit 3. Look over the last</p> <p>8 paragraph of McPhie's statement. He mentions that he</p> <p>9 spoke with you two days after her release on the 11th.</p> <p>10 A Okay.</p> <p>11 Q So McPhie mentions in his narrative that he</p> <p>12 informed you that Vivianne Washington's mother had been</p> <p>13 inquiring about her status at the jail. Did you speak</p> <p>14 with her mother after receiving that information?</p> <p>15 A No, I never spoke with her mother.</p> <p>16 Q Did you do anything to follow up with McPhie</p> <p>17 after receiving that information?</p> <p>18 A Not that I recall.</p> <p>19 Q Going back to the photo of Vivianne</p> <p>20 Washington, what phone were you using at that time?</p> <p>21 A A phone provided by the Meriwether County</p> <p>22 Sheriff's office.</p> <p>23 Q Do you still have access to it?</p> <p>24 A No, ma'am.</p> <p>25 Q If you were using e-mail for that</p>
<p style="text-align: right;">Page 30</p> <p>1 A Yes.</p> <p>2 Q Are you generally made aware when new people</p> <p>3 are brought into the jail?</p> <p>4 A No.</p> <p>5 Q Did you see Vivianne Washington at the jail at</p> <p>6 any point?</p> <p>7 A Not that I can recall.</p> <p>8 Q So I guess you don't recall speaking with</p> <p>9 her at the jail either?</p> <p>10 A No.</p> <p>11 Q Did you transport her to a polygraph test?</p> <p>12 A I don't think I was there for that.</p> <p>13 MS. HICKEY: Can we take a five-minute</p> <p>14 break, please?</p> <p>15 MR. HENSEL: Sure.</p> <p>16 (Recess taken at 12:55 p.m.)</p> <p>17 (Deposition resumed at 1:03 p.m.)</p> <p>18 Q (MS. HICKEY) Did you participate at all in</p> <p>19 the decision to release Vivianne Washington?</p> <p>20 A Not that I can recall.</p> <p>21 Q Did you have any discussions with Lieutenant</p> <p>22 Howard or anyone else about that?</p> <p>23 A I'm sure we did. I don't remember what I</p> <p>24 said or what we talked about.</p> <p>25 Q Did you speak with Vivianne Washington at any</p>	<p style="text-align: right;">Page 32</p> <p>1 communication, which e-mail address would it have</p> <p>2 been?</p> <p>3 A I have no idea what my e-mail was at the</p> <p>4 sheriff's office.</p> <p>5 Q But it would have been an e-mail from the</p> <p>6 sheriff's office?</p> <p>7 A Yes.</p> <p>8 Q So have you looked to see if you have that</p> <p>9 photo?</p> <p>10 A No.</p> <p>11 Q In Mr. Heard's interview he mentioned that</p> <p>12 they were in a black car that was being driven by</p> <p>13 Ms. Washington. Did you to take any steps to</p> <p>14 investigate the car? Whether it was owned --</p> <p>15 A I can't recall.</p> <p>16 Q Exhibit 1, which is a copy -- I'm sorry --</p> <p>17 Exhibit 2 is a copy of the incident report. I want to</p> <p>18 direct your attention to a narrative by Officer Bese</p> <p>19 about a traffic stop of Mr. Calvin Jack Moreland.</p> <p>20 A Do you want me to read this really quick?</p> <p>21 Q If it would help refresh your memory.</p> <p>22 A Okay.</p> <p>23 Q Did you receive this information from</p> <p>24 Officer Bese during your investigation?</p> <p>25 A I would assume so, yes.</p>

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<p style="text-align: right;">Page 33</p> <p>1 Q Did you take any follow-up steps based on</p> <p>2 this information?</p> <p>3 A I cannot recall.</p> <p>4 Q Is there anything that you do recall in</p> <p>5 relation to this investigation that we have not</p> <p>6 discussed yet?</p> <p>7 A No.</p> <p>8 MS. HICKEY: I guess we're done here.</p> <p>9 MR. FILIPOVITS: Hold on one second.</p> <p>10 Q (MS. HICKEY) Is there anything that you</p> <p>11 could refer to that would help you jog your memory</p> <p>12 about the investigation?</p> <p>13 MR. HENSEL: Object to the form of the</p> <p>14 question. You can answer.</p> <p>15 THE WITNESS: The report is the only thing</p> <p>16 that I could refer back to.</p> <p>17 Q (MS. HICKEY) Is it standard practice to put</p> <p>18 all of the investigative notes into that report?</p> <p>19 A Yes.</p> <p>20 Q Would you have documented your investigative</p> <p>21 steps somewhere else?</p> <p>22 A No. I pretty much put everything in the</p> <p>23 report.</p> <p>24 MS. HICKEY: Thank you very much.</p> <p>25 MR. HENSEL: No questions.</p>	<p style="text-align: right;">Page 35</p> <p style="text-align: center;">D I S C L O S U R E</p> <p style="text-align: center;">- - -</p> <p>STATE OF GEORGIA</p> <p>COWETA COUNTY</p> <p>Pursuant to Article 10.B of the Rules and</p> <p>Regulations of the Board of Court Reporting of the</p> <p>Judicial Council of Georgia, I make the following</p> <p>disclosure:</p> <p>I am a Georgia Certified Court Reporter. I</p> <p>am here as an independent contractor for Elizabeth</p> <p>Gallo Court Reporting. Elizabeth Gallo was contacted</p> <p>to provide court reporting services for this</p> <p>deposition. I am not taking this deposition under any</p> <p>contract that is prohibited by O.C.G.A. § 15-14-37(a)</p> <p>and (b).</p> <p>I have no contract or agreement to provide</p> <p>court reporting services with any party to the case,</p> <p>any counsel in the case, or any reporter or reporting</p> <p>agency from whom a referral might have been made to</p> <p>cover this deposition. Elizabeth Gallo will charge</p> <p>its usual and customary rates to all parties in the</p> <p>case, and a financial discount will not be given to</p> <p>any party to this litigation.</p> <p>This 21st day of MAY 2019</p> <p style="text-align: center;"> JENNA JOHNSON, CVR, CCR ELIZABETH GALLO COURT REPORTING</p>
<p style="text-align: right;">Page 34</p> <p>1 (Deposition concluded at 1:09 p.m.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 (Pursuant to Rule 30(e) of the Federal Rules</p> <p>8 of Civil Procedure and/or O.C.G.A. 9-11-30(e),</p> <p>9 signature of the witness has been reserved.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 36</p> <p style="text-align: center;">C E R T I F I C A T E</p> <p>STATE OF GEORGIA</p> <p>COWETA COUNTY</p> <p>I, Jenna Rose Johnson, hereby certify that</p> <p>the foregoing deposition was taken down by me, as</p> <p>stated in the caption; the colloquies, statements,</p> <p>questions, and answers thereto were reduced to</p> <p>typewriting under my direction and supervision; and</p> <p>the transcript is a true, correct, and complete record</p> <p>of the testimony/evidence given.</p> <p>I further certify that I am not a relative</p> <p>or employee or attorney or counsel of any of the</p> <p>parties, nor am I a relative or employee of such</p> <p>attorney, nor am I financially interested in the</p> <p>action.</p> <p>This 21st day of MAY 2019</p> <p style="text-align: center;"></p> <p>Jenna Rose Johnson, CVR, CCR</p> <p>Certificate No.: 5818-4261-2151-9104</p>

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1 CASE: Vivianne Jade Washington vs Investigator Jason Durand, et al.	1 Errata Sheet
2 NAME OF WITNESS: Jason Durand	2 NAME OF CASE: Vivianne Jade Washington vs Investigator Jason Durand, et al.
3 The preceding deposition was taken	3 DATE OF DEPOSITION: 05/21/2019
4 in the matter, on the date and at the time and	4 NAME OF WITNESS: Jason Durand
5 place set out on the title page hereof.	5 Reason Codes: 1. To clarify the record
6	6 2. To correct transcription errors
7 It was requested that the deposition	7 3. Other
8 be taken by the reporter and that same be	8
9 reduced to typewritten form.	9 Page ____ Line ____ Reason ____
10	10 From ____ to ____
11 It was agreed by and between counsel	11 Page ____ Line ____ Reason ____
12 and the parties that the deponent will read and	12 From ____ to ____
13 sign the transcript of said deposition.	13 Page ____ Line ____ Reason ____
14	14 From ____ to ____
15 Said jurat is to be returned within	15 Page ____ Line ____ Reason ____
16 30 days following receipt of the transcript to	16 From ____ to ____
17 the following address:	17 Page ____ Line ____ Reason ____
18	18 From ____ to ____
19 Elizabeth Gallo Court Reporting, LLC	19 Page ____ Line ____ Reason ____
20 2900 Chamblee Tucker Road	20 From ____ to ____
21 Building 13, First Floor	21 Page ____ Line ____ Reason ____
22 Atlanta, Georgia 30341	22 From ____ to ____
23	23
24	24 SIGNATURE: _____ DATE: _____
25	25 Jason Durand

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1 NAME OF CASE: Vivianne Jade Washington vs Investigator Jason Durand, et al.	1 Errata Sheet
2 DATE OF DEPOSITION: 05/21/2019	2 NAME OF CASE: Vivianne Jade Washington vs Investigator Jason Durand, et al.
3 NAME OF WITNESS: Jason Durand	3 DATE OF DEPOSITION: 05/21/2019
4 EGCR Job No.: 58648	4 NAME OF WITNESS: Jason Durand
5 CERTIFICATE	5 Reason Codes: 1. To clarify the record
6 Before me this day personally	6 2. To correct transcription errors
7 appeared JASON DURAND, who, being duly	7 3. Other
8 sworn, states that the foregoing transcript of	8
9 his/her deposition, taken in the matter, on	9 Page ____ Line ____ Reason ____
10 the date and at the time and place set out on	10 From ____ to ____
11 the title page hereof, constitutes a true and	11 Page ____ Line ____ Reason ____
12 accurate transcript of said deposition.	12 From ____ to ____
13	13 Page ____ Line ____ Reason ____
14	14 From ____ to ____
15	15 Page ____ Line ____ Reason ____
16	16 From ____ to ____
17	17 Page ____ Line ____ Reason ____
18	18 From ____ to ____
19	19 Page ____ Line ____ Reason ____
20	20 From ____ to ____
21	21 Page ____ Line ____ Reason ____
22	22 From ____ to ____
23	23
24	24 SIGNATURE: _____ DATE: _____
25	25 Jason Durand

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